

**Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, June 23, 2020 – 7:00 p.m.**

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Kent, Petty, Ellington, Sloan, Kierzek, Thurow

Council Members Absent:

Others Present: Chief Schauf, Adm. Downing, Atty. Truman, Treasurer Laux, C. Haggard, T. Pinion, K. Stieve, Tim Lawther, Dawn Gunderson, members of the press and others.

The Pledge of Allegiance was given.

Moved by Kolb, seconded by Petty and carried unanimously to approve the minutes of June 9, 2020.

Moved by Kent, seconded by Kolb and carried unanimously to approve the agenda.

Compliance with the Open Meeting Law was noted.

PRESENTATIONS

- Update from Sauk County Health Department.
- Update from Fire Chief Kevin Stieve regarding our Emergency Operations.

PUBLIC HEARINGS - The Mayor announced that this is the published date and time to hear public comment concerning the

- General Development Plan for Three Amigos Property Management, LLC as a Planned Unit Development (PUD) to construct multi-family residential complex on the 1.6 acre site at 325 Lynn Street, in a B-1 Central Business zoning district;

No one spoke and the Mayor closed the public hearing

- General Development Plan for Al Ringling Brewing Company, Inc. to allow an outdoor beer garden with a decorative fence less than 6 feet in height in a B-1 Central Business zoning district for the property located at 623 Broadway, on the southwest corner of 5th Avenue and Broadway.

No one spoke and the Mayor closed the public hearing

PUBLIC INVITED TO SPEAK

Doug Mering, 1605 Keith St, Baraboo: He is speaking in favor of the vaping ordinance that is on tonight's agenda. 13% of middle school students said they have vaped in the last 30 days, 24% of high school students have vaped in the last 30 days. It is highly addictive and a very serious problem among youths.

Tara Noye, 251 5th St, Reedsburg with South Central Alliance for Tobacco Prevention: July is the 10 year anniversary of when we transitioned into a smoke-free state. This ordinance allows us to include e-cigarettes, which were not an issue 10 years ago. Laws that deal with e-cigarettes differently than the conventional cigarettes are very confusing to our youth; to say that these products have similar health effects for them but are treated differently by the law is contradictory. E-cigarettes are not safe for youth and second hand exposure for aerosol is not the clean air that we fought hard for in Wisconsin.

Lindsay Patterson, 925 W. Carroll St, Portage: Our youth know that cigarette smoking is harmful but they don't realize that the same applies to vaping. 55% of Baraboo High School students have reported ever trying vaping. E-cigarette aerosol is not harmless, it can contain harmful and potentially harmful constituents including nicotine. Nicotine exposure during adolescence can cause addiction and can also harm the development of the adolescent brain. The e-cigarette aerosol is made up of a high concentration of ultra-fine particles and that particle concentration is actually higher than in

conventional tobacco cigarette smoke. Exposure to these ultra-fine particles can lead to respiratory ailments, such as asthma, and can constrict arteries which can trigger a heart attack in some folks. These products should be held to the same clean air standards as conventional cigarettes.

MAYOR'S BUSINESS

- The Mayor read the 2020 Park & Recreation Month Proclamation.
- The Festival Foods Fireworks will take place in Baraboo on July 4th starting at 9:45pm
- Goal Setting will be included on the July 14th Council Agenda as Committee of the Whole

CONSENT AGENDA

Resolution No. 20-45

THAT the Accounts Payable, in the amount of \$730,778.93 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Resolution No. 20-46

THAT, Andrew Adams be appointed to the Baraboo Improvement District (BID) Board to fill the unexpired term of Nicole Marklein serving until April 30, 2021.

Resolution No. 20-47

THAT, Lynn Harthorne be appointed to the Baraboo Library Board serving until June 30, 2023.

THAT, Bekah Stelling and Forrest Hartmann will be reappointed to the Baraboo Library Board serving until June 30, 2023.

Moved by Petty, seconded by Kolb and carried that the Consent Agenda be approved-9 ayes.

NEW BUSINESS - RESOLUTIONS

Resolution No. 20-48

RESOLUTION AWARDING THE SALE OF \$2,645,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2020A

WHEREAS, on May 12, 2020, the Common Council of the City of Baraboo, Sauk County, Wisconsin (the "City") adopted initial resolutions (collectively, the "Initial Resolutions") authorizing the issuance of general obligation bonds for the following public purposes and in the following not to exceed amounts: \$1,550,000 for street improvement projects and \$1,140,000 for the construction of an engine house (collectively, the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation bonds for such public purposes;

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolutions, the City Clerk caused a notice to electors to be published in the Baraboo News Republic, stating the purpose and maximum principal amount of the bond issues authorized by the Initial Resolutions and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issues authorized by the Initial

Resolutions;

WHEREAS, no petition for referendum was filed with the City Clerk, and the time to file such a petition has expired;

WHEREAS, on May 12, 2020, the Common Council of the City also adopted a resolution (the "Set Sale Resolution"), providing that the general obligation bond issues authorized by the Initial Resolutions be combined, issued and sold as a single issue of bonds designated as "General Obligation Corporate Purpose Bonds, Series 2020A" (the "Bonds") for the purpose of paying the cost of the Project;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds to pay the cost of the Project;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on June 23, 2020;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on June 23, 2020;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the Common Council now deems it necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$2,645,000 for the following purposes and in the following amounts: \$1,525,000 for street improvement projects and \$1,120,000 for construction of an engine house.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Ratification of the Notice of Sale and Offering Materials. The Common Council hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal

sum of TWO MILLION SIX HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$2,645,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2020A"; shall be issued in the aggregate principal amount of \$2,645,000; shall be dated July 16, 2020; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on February 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on February 1 and August 1 of each year commencing on February 1, 2021. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on February 1, 2030 and thereafter are subject to redemption prior to maturity, at the option of the City, on February 1, 2029 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

cA) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2020 through 2039 for the payments due in the years 2021 through 2040 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the

collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Corporate Purpose Bonds, Series 2020A, dated July 16, 2020" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service

Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above)

shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the ownership, management and use of the projects will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds., Closing., Professional Services. The Bonds shall be

issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser

upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the

Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to Old National Bank at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on

investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Moved by Wedekind, seconded by Petty and carried that **Resolution No. 20-48** be approved-9 ayes.

Resolution No. 20-49

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the City Clerk be authorized to issue the following Liquor Licenses:

CLASS "A" FERMENTED MALT BEVERAGE

Casey's General Store #1904, 801 S. Boulevard
Las Milpas LLC, 603 8th Avenue

CLASS "B" FERMENTED MALT BEVERAGE

Driftless Glen Distillery, 300 Water Street
Jose's Mexican Bakery, 325 South Blvd, Unit 2
Sauk County Agricultural Society, 700 Washington

CLASS "A" OFF PREMISE LIQUOR CONSUMPTION/ON PREMISE WINE SAMPLES

Bekah Kate's, 117 3rd St.

"CLASS A" COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE

Barabrew Liquor, 503 South Boulevard
Pierce's Express Market, 935 8th St.
Get N Go, 325 South Blvd.
Kwik Trip #657, 604 8th Street
Kwik Trip #855, 1330 South Boulevard
Turner BP, 413 State Hwy 136
United Cooperative, 516 Ash St.
Wal-Mart #1396, 920 Hwy 12

CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS C" WINE

Al Ringling Theatre, 136 4th Ave.
Broadway Diner, 304 Broadway St.
Four Star Family Restaurant, 1011 8th St.
Ringling House B&B, 201 8th St.
The Log Cabin Restaurant and Bakery, 1215 8th St.

"CLASS B" COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE

Baraboo Arts, 202 East St.

Baraboo Burger Company, 116 4th Ave.

Baraboo Elks Club #688, 401 Oak St.

Downtowner Bar & Grill, 130 3rd St.

Bumps Bar, 109 Walnut St.

Fore Seasons Restaurant, 401 Mine Road

Brothers on Oak, 412 Oak Street

Jose's Authentic Mexican Restaurant, 825 8th St.

Old Baraboo Inn, 135 Walnut St.

Peking Buffet, 1204 8th St.

Poor Richards Bar, 411 Oak St.

Quindt's Towne Lounge Restaurant & Eating House., 441 South Blvd.

Gem City Saloon, 124 Ash St.

Square Tavern, 124 4th Ave.

Thunderbird Lanes, 1117 8th Street

Little Village Café, 146 4th Ave.

Zach's Bar, 126 4th Street

"CLASS B" RESERVE COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE

Al Ringling Brewing Co., 623 Broadway

Con Amici, 126 3rd St

"CLASS B" WINE ONLY

Von Klaus Tasting Haus, 133 Third Ave.

"CLASS B" WINE ONLY AND CLASS "B" FERMENTED MALT BEVERAGE

Balanced Rock Winery, 1065 Walnut Street

CLASS "C" WINE

Bekah Kate's, 117 3rd St.

Moved by Ellington, seconded by Kolb and carried that **Resolution No. 20-49** be approved-9 ayes.

Resolution No. 20-50

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

WHEREAS, in December, 2019, a novel strain of coronavirus known as COVID-19 was detected, and COVID-19 has continued to spread throughout the world, including to the United States and the State of Wisconsin ("COVID-19 Pandemic"); and

WHEREAS, the federal government, state governments, and local governments are working together to contain the further spread of the disease and treat existing cases; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic, on March 12, 2020 the Governor of the State of Wisconsin declared a Health Emergency in the State, and on March 17, 2020, Sauk County (the "County") declared a state of emergency under authority granted by Wis. Stats. Chap. 323; and

WHEREAS, the federal government has enacted various laws and regulations in response to the COVID-19 Pandemic including, without limitation, the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act; and

WHEREAS, because of the COVID-19 Pandemic, on March 24, 2020, Secretary-designee Andrea Palm of the Wisconsin Department of Health Services issued Emergency Order #12, Safer at Home Order (“Safer at Home Order”) requiring that everyone in Wisconsin stay at their home or place of residence except in limited circumstances until April 24, 2020; and

WHEREAS, on April 16, 2020, Secretary-designee Palm extended the Safer at Home Order, with certain modifications, to May 26, 2020, pursuant to Emergency Order #28; and

WHEREAS, the federal, state, local and individual responses to the COVID-19 Pandemic and the uncertainty as to the effectiveness of those responses in mitigating the duration of the COVID-19 Pandemic have created economic hardship and uncertainty for the City of Baraboo business community, households throughout the municipality and for every property taxpayer; and

WHEREAS, prominent economists have predicted record level unemployment rates for the coming months and this prediction suggests that City of Baraboo residents will also experience record level unemployment rates in the coming months, and an unprecedented number of businesses and employers throughout the State and in the County have been required to suspend operations; and

WHEREAS, in response to the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, and the various emergency orders and regulations implemented by state and local governments, on April 15, 2020, the Wisconsin Legislature enacted 2019 Wisconsin Act 185 (“Act 185”), which Governor Evers signed on April 16, 2020; and

WHEREAS, Section 105(25) of Act 185 authorizes, among other things, the County to adopt a resolution enabling taxation districts in the County to waive interest and penalties on 2020 property tax installment payments due and payable after April 1, 2020, until October 1, 2020; and

WHEREAS, a resolution authorizing the above referenced waiver must also establish criteria for determining hardship that would qualify a property tax payer for the waiver; and

WHEREAS, the County’s authorization for a taxation district to implement the above referenced waiver is contingent upon a taxation district adopting a resolution in similar form and content as to the County’s resolution; and

WHEREAS, the County has adopted a resolution authorizing taxation districts in the County to implement the above-referenced waiver; and

WHEREAS, the City of Baraboo desires to waive interest and penalties on 2020 property tax installment payments due and payable after April 1, 2020, until October 1, 2020

WHEREAS, pursuant to Section 105(25) of Act 185, this Resolution is intended to waive interest and penalties on installment payments of property taxes due and payable after April 1, 2020, in a manner consistent with Act 185 and declare that all property taxpayers in the City of Baraboo are experiencing hardship as a result of the economic conditions associated with the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185; and

WHEREAS, while the plain language of Section 105(25) of Act 185 allows for either a general or a “case-by-case” finding of hardship to qualify for the above referenced waiver of interest and penalties, the County has only authorized a taxation district to waive interest and penalties for all property taxpayers in the County otherwise eligible for waiver under Section 105(25) of Act 185 on a finding of general hardship based upon the economic conditions described in this Resolution, which the City of Baraboo Common Council determines has adversely affected all taxpayers in the City of Baraboo; and

NOW THEREFORE BE IT RESOLVED that pursuant to Section 105(25) of Act 185, the Baraboo Common Council hereby finds and authorizes the following:

1. Because of the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185, the Baraboo Common Council finds that all City property taxpayers are experiencing hardship as that term is used in Section 105(25) of Act 185.
2. The City of Baraboo hereby waives interest and penalties for property taxes payable in 2020 for an installment payment that is due and payable after April 1, 2020. This Resolution waives interest and penalties as provided in Section 105(25) of Act 185 for all property taxpayers in the City of Baraboo such that the waiver is available to all property taxpayers in the City of Baraboo. Notwithstanding the foregoing, nothing in this Resolution waives interest and penalties for property taxes payable in 2020 for an installment payment that was due and payable prior to April 1, 2020, except as otherwise permitted under applicable law.
3. The County has confirmed that upon adoption of this Resolution, the County will settle in full with the City of Baraboo on August 20, 2020, as provided under Wis. Stat. § 74.29(1).
4. City of Baraboo officers are authorized and directed to assist the County in the interpretation, application and implementation of this Resolution and Section 105(25) of Act 185.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Baraboo Common Council and other appropriate public officers and agents of the City of Baraboo with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Moved by Sloan, seconded by Wedekind and carried that **Resolution No. 20-50** be approved-9 ayes.

Resolution No. 20-51

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

That the City accept the proposal from Tyler Technologies for the 2021 revaluation services;
and

That the City Administrator and City Clerk be authorized to execute the corresponding Agreement with Tyler Technologies on behalf of the City.

Moved by Wedekind, seconded by Kolb and carried that **Resolution No. 20-51** be approved-9 ayes.

NEW BUSINESS - ORDINANCES

Moved by Ellington, seconded by Thurow and carried unanimously to approve the 1st reading of **Ordinance No. 2551** amending §9.21 of the Baraboo Municipal Code to prohibit vaping within the City limits where smoking is prohibited.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN
AS FOLLOWS:

1. Section 9.21, Tobacco Use, of the Baraboo Municipal Code is amended as follows:

9.21 SMOKING, VAPING, NICOTINE AND TOBACCO USE REGULATED.
(1665 11/92 See §134.65 Wis. Stats., 2428, 02/24/2015)

- (1) **STATE SMOKING BAN ADOPTED.** The City hereby adopts by reference the provisions of §101.123, Wis. Stats., “Smoking prohibited,” pertaining to the statewide smoking ban.
- (2) **VAPING PROHIBITED.** Vaping is prohibited in all areas located within the City limits where smoking is prohibited by the provisions of §101.123, Wis. Stats.
- (3) **ADDITIONAL LOCAL PROHIBITIONS.**
 - (a) There shall be no smoking, vaping or use of any tobacco-containing product upon the property of or in any building or structure of the University of Wisconsin Baraboo/Sauk County.
 - (b) There shall be no smoking, vaping or use of any tobacco-containing product in any City owned or leased building, including in an entrance to a City owned or leased building.
 - (c) Regulations for children under the age of 18:
 - i. No child may do any of the following:
 - (a) Buy or attempt to buy any cigarette, **electronic delivery device**, tobacco **product or nicotine** product.
 - (b) Falsely represent his or her age for the purpose of receiving any cigarette, **electronic delivery device**, tobacco product or nicotine product.
 - (c) Possess any cigarette, **electronic delivery device**, tobacco **product** or nicotine product.
 - (ii) A child may purchase or possess cigarettes, **electronic delivery devices**, tobacco products, or nicotine products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1) Wis. Stats.
 - (4) A law enforcement officer shall seize any cigarette, **electronic delivery device**, tobacco product, or nicotine product involved in any violation of **this** section committed in his or her presence. (1665 11/92) **Seized items shall be held or disposed of per the current policy of the police department.**
 - (5) No person may procure for, sell, dispense, furnish or give away any cigarette, **electronic delivery device**, ~~or~~ tobacco products or nicotine product to a child. (1796 03/28/95)
- (d) See also § 19.03(12), of this Code.

(3) DEFINITIONS.

(a) The following definitions shall apply to this Section instead of the definitions found in §101.123, Wis. Stat.:

- i. *“Enclosed place”* means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. An 0.011 gauge screen with an 18 by 16 mesh count is not a wall.
- ii. *“Smoking”* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

(b) The following definitions shall apply to this Section in addition to the definitions found in §101.123, Wis. Stat.:

- i. *“Electronic delivery device”* means any product containing, delivering or capable of containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol, mist, or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed, or sold as electronic cigarettes or cigars, electronic pipes, personal vaporizers, electronic nicotine delivery systems, vape pens, and electronic hookahs.
- ii. *“Vaping”* means the use of an electronic delivery device.

(4) INSPECTION AND ENFORCEMENT. The Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to this section.

2. Section 9.21A, “Smoking or use of Tobacco Products Prohibited on the University of Wisconsin Baraboo/Sauk County Property,” of this Code is repealed upon the passage of this ordinance as the language has been fully incorporated into the revised §9.21 of the Code.
3. Section 9.21B, “Smoking, Vaping and the use of Tobacco Products Prohibited in City Buildings,” of the Code is repealed upon passage of this ordinance as the language has been fully incorporated into the revised §9.21 of the Code.

4. The incorporation of §101.123, Wis. Stat., within §9.01 of the Code is repealed upon the passage of this ordinance, as the incorporation of §101.123, Wis. Stat., will now be contained in the revised §9.21 of the Code.
5. The amended ordinance and Policy shall take effect upon passage and publication as provided by law.

Moved by Wedekind, seconded by Kolb and carried unanimously to approve the 1st reading of **Ordinance No. 2552** approving the General Development Plan for Three Amigos Property Management, LLC as a Planned Unit Development (PUD) to construct multi-family residential complex on the 1.6 acre site at 325 Lynn Street, in a B-1 Central Business zoning district.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1. Section 17.18(4)(d), Code of Ordinances, is amended as follows:

17.18 ESTABLISHMENT OF DISTRICTS AND INCORPORATION OF ZONING DISTRICT MAP

(4) DISTRICT BOUNDARIES AND MAP AMENDMENTS.

(d) Planned Unit Developments. The following Planned Unit Development is approved and incorporated into the zoning map: 2020-01.

2. The attached General Development Plan/Specific Implementation Plan is approved as Planned Unit Development 2020-01.
3. This Ordinance shall take effect upon passage and publication as provided by law and have an effective date commensurate with the sale of said property.

Moved by Thurow, seconded by Kolb and carried unanimously to approve the 1st reading of **Ordinance No. 2553** approving the General Development Plan for Al Ringling Brewing Company, Inc. to allow an outdoor beer garden with a decorative fence less than 6 feet in height in a B-1 Central Business zoning district for the property located at 623 Broadway, on the southwest corner of 5th Avenue and Broadway.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

2. Section 17.18(4)(d), Code of Ordinances, is amended as follows:

17.18 ESTABLISHMENT OF DISTRICTS AND INCORPORATION OF ZONING DISTRICT MAP

(4) DISTRICT BOUNDARIES AND MAP AMENDMENTS.

(d) Planned Unit Developments. The following Planned Unit Developments are approved and incorporated into the zoning map: 2020-02.

3. The attached General Development Plan / Specific Implementation Plan is approved as Planned Unit Development 2020-02.
4. This Ordinance shall take effect upon passage and publication as provided by law.

ADMINISTRATOR AND COUNCIL COMMENTS

Adm. Downing gave an update on the Small Loan Program and noted that City Offices will be closed on Friday, July 3rd in observance of the Fourth of July Holiday.

REPORTS, PETITIONS, AND CORRESPONDENCE

The City officially acknowledges receipt and distribution of the following:

- **Reports:** May, 2020 – Fire Dept., Treasurer
- **Minutes from the Following Meetings:**

Finance/Personnel Committee–Dennis Thurow Committee Room, #205

June 9, 2020

Members Present: Petty, Sloan, Kent

Absent:

Others Present: Mayor Palm, Adm. Downing, Atty. Truman, B. Zeman, M. Schauf, P. Cannon, M. Hardy, C. Haggard, T. Pinion

Call to Order –Ald. Petty called the meeting to order at 6:15p.m. noting compliance with the Open Meeting Law.

Moved by Sloan, seconded by Kent to approve the minutes of May 26, 2020 and carried unanimously. Moved by Sloan, seconded by Kent to approve the agenda and carried unanimously.

Action Items

- a) **Accounts Payable** – Moved by Sloan, seconded by Kent to recommend to Council for approval of the accounts payable for **\$623,009.53**. Motion carried unanimously.
- b) **Swimming Pool** – M. Hardy advised the Committee that the Parks Commission reaffirmed their decision to keep the pool closed for this summer. According to Finance Director C. Haggard, the pool would have about \$30,000 available because the pool is not opening. The Parks Commission is requesting to use these funds to address some capital improvements. Ald. Kent questioned how they would prioritize the use of this money. M. Hardy explained that the Parks Commission will review the improvements list from the Pool Feasibility Study. Obviously the funding will not cover the complaint of accessibility into the main pool; however, one of the other big complaints is the locker rooms and there are a number of issues with the locker rooms including the flooring, pooling of the shower water, no ventilation, etc. that could be looked at with these available funds. Another thing they might look at is expanding the deck. Due to our limited deck space, it did not allow for social distancing. Ald. Kent questioned if painting the pool will still be considered. M. Hardy noted that this is still on the list for the Commission to review and with the pool closed, this would allow for ample time for the paint to dry. The only downside to this is that citizens are expecting more repairs to the pool, not maintenance. Ald. Kent feels it would be more fiscally responsible to use this extra money for the painting this year and not have to budget for this next year. Other improvements can be done over the winter months and not interfere with the opening of the pool. Moved by Sloan, seconded by Kent to recommend to Council for approval. Motion carried unanimously.
- c) **Patek Hospitality Hotel Study** – P. Cannon explained that the City has been approached by two different Midwest chain hotels to look at Baraboo for a potential site for a new hotel. The Hotel Study is something that will be required. P. Cannon confirms that the City will own the study and therefore both hotels would use the same study. Moved by Sloan, seconded by Kent to recommend to Council for approval. Motion carried unanimously.
- d) **Council In-Person Meetings** – Adm. Downing noted that the Council voted to continue virtual meetings for 60 days. The City feels they have a good handle on being able to manage in person meetings and is requesting this be rescinded effective June 10, 2020. Moved by Sloan, seconded by Kent to recommend to Council for approval. Motion carried unanimously.

Information Items – None.

Adjournment – Moved by Sloan, seconded by Kent and carried to adjourn at 6:35pm.

Board of Review**Council Chambers****June 3, 2020**

Present: Mayor Palm, T. Kolb, P. Wedekind, J. Kent, B. Zeman

Absent:

Also Present: Michael Weymier of Tyler Technologies, Atty. Truman, J. Atkinson, K. Downing

Mayor Palm called the meeting to order at 1:00 p.m. noting compliance with the open meeting law.

Select Chairperson:

Moved by Wedekind, seconded by Kolb that Mayor Palm be nominated as Chairperson. The Mayor called for other nominations and none were offered. Motion by Kent, seconded by Kolb to close nominations and appoint Mayor Palm as Chairperson. Motion carried unanimously.

Select Vice Chairperson:

Moved by Palm, seconded by Kolb that Phil Wedekind be nominated as Vice Chairperson. The Mayor called for other nominations and none were offered. Motion by Kent, seconded by Kolb to close nominations and appoint Phil Wedekind as Vice Chair. Motion carried unanimously.

Mandatory training:

The following members have met the mandatory training as follows: Palm and Kent on 05-07-2020, Zeman on 03-12-2020, and Atkinson on 04-11-2019.

Procedures of Operation

Mayor Palm reviewed the procedures for the Board. The Assessment Roll was open for public inspection on May 22, 2020 in the Clerk's and Assessor's Office and on the City of Baraboo's website. Open Book was held on May 22, 2020 by appointment at the Assessor's office. Notice of the Board of Review was posted at the Municipal Building, on the City of Baraboo's website, and published at least 15 days prior to the June 3rd meeting.

Objections Filed

Two cases had been filed prior to the statutory deadline and two cases had given notice within two hrs of the deadline. Three of these four cases have withdrawn their objection and no longer wish to appear at Board of Review.

Due to the fact that the Assessment Roll is not complete at this time, a Motion by Kolb, seconded by Wedekind to adjourn until Friday, June 5, 2020 at 1:00pm. Motion carried unanimously.

Board of Review**Council Chambers****June 5, 2020**

Present: Mayor Palm, T. Kolb, P. Wedekind, J. Kent, B. Zeman

Absent:

Also Present: Michael Weymier of Tyler Technologies, Atty. Truman, J. Atkinson, K. Downing

Mayor Palm called the meeting to order at 1:00 p.m. noting compliance with the open meeting law.

Procedures of Operation

Mayor Palm reviewed the procedures for the Board. The Assessment Roll was open for public inspection on May 22, 2020 in the Clerk's and Assessor's Office and on the City of Baraboo's website. Open Book was held on May 22, 2020 by appointment at the Assessor's office. Notice of the Board of Review was posted at the Municipal Building, on the City of Baraboo's website, and published at least 15 days prior to the June 3rd meeting.

Objections Filed

Mayor Palm reported that two cases had been filed prior to the statutory deadline and two cases had given notice within two hrs of the deadline. Three of these four cases have withdrawn their objection and no longer wish to appear at Board of Review.

Chair Palm called the first objection:

Case #1 – Wal-Mart, 920 US Hwy 12, Baraboo WI 53913, \$9,483,100

The agent for Wal-Mart has completed a "Request for Waiver of Board of Review (BOR) Hearing". Motion by Kolb, seconded by Palm to accept the waiver from Wal-Mart. Motion carried unanimously.

Correction of 2019 Errors:

Assessor Weymier presented information on the Correction of Errors for 2019:

Real Prop Account 206-1133-20000, Joseph D. & Barbara M. Vodak Living Trust, original \$76,200, corrected to \$20,200.

Personal Prop Account 206-9137-30000, Greenwood Financial, LLC, original \$1,200, corrected to \$0.

Personal Prop Account 206-9431-00000, Secure Storage of Watertown, original \$173,000, corrected to \$0.

Personal Prop Account 206-9308-31000, Total Design LLC, original \$4,000, corrected to \$6,700.

Personal Prop Account 206-9308-30000, Total Design LLC, original \$6,700, corrected to \$0.

Personal Prop Account 206-9425-30000, Sage-Louise Holdings LLC, original \$7,800 corrected to \$0.

Moved by Kolb, seconded by Wedekind to approve the correction of the 2019 errors. Motion carried unanimously.

Annual Report

Assessor Weymier presented the 2019 Annual Assessment Report.

Moved by Palm, seconded by Kolb and carried unanimously that the Assessment roll is approved as amended by the determinations made by this Board of Review and that the Board adjourns at 3:01pm.

Minutes of the Public Safety Committee Meeting

June 8, 2020

Members Present: Phil Wedekind and Tom Kolb, and Mike Plautz. **Others Present:** Kennie Downing, Mike Palm, Mark Schauf, Kevin Stieve, Emily Truman, Tom Pinion, Wade Peterson, Tony Gilman, and Kris Jackson.

Call to Order - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at Baraboo City Service Center. Compliance with the Open Meeting Law was noted. It was moved by Kolb, seconded by Plautz to approve the agenda as posted. Motion carried unanimously. It was moved by Kolb, seconded by Plautz to approve the minutes of the April 13, 2020 meeting. Motion carried unanimously.

New Business

- a. **Discussion and possible recommendation to Common Council to adopt an Ordinance prohibiting vaping in all locations where smoking is currently prohibited in the City of Baraboo** – Mayor Palm said earlier this year there was an initiative that was put on by SSM Health talking about vaping and what it is doing to our youth in particular. He said it was talking about the idea of adjoining municipalities taking a stronger position on vaping than perhaps the City was, yet smoking is not allowed in any City parks or City buildings. He said the question that came up, as part of the symposium was if the City would consider prohibiting vaping in any circumstance that smoking would be prohibited. He said that both smoking and vaping are a delivery system for nicotine. He did say that this is harder to police because the vapor is gone. Chief Schauf he has worked with the City Attorney to try to put language in the ordinance that would make it a little easier to police. He said that it is very difficult for the department in a municipal ordinance violation to be able to regulate this as tight as traditional smoking. He said that there is not the smell with vaping. It was moved by Kolb, seconded by Plautz to send the draft Ordinance to the Council with a positive recommendation. Motion carried unanimously.
- b. **Consider Proposed Amendment to existing License Agreement with US Cellular for the CTH A Water Tower Site** – Peterson presented background to Committee. He said US is looking to upgrade equipment on the tower. He said they have a structural plan of what they have proposed, and the City has had a third party structural team look at the proposal. He said that an agreement has been made with changes to the language and a small monetary increase to the annual monies received from them. It was moved by Kolb, seconded by Plautz to approve the proposed amendment to the License Agreement with U.S. Cellular for the CTH A Water Tower Site. Motion carried unanimously.
- c. **Review and recommend approval of the WWTP's 2019 Compliance Maintenance Annual Report** – Peterson said as usual the Department received many great grades; however, this year a C was received in bio solids. He praised his employees for a great job done. It was moved by Plautz, seconded by Kolb to approve the WWTP's 2019 Compliance maintenance Annual Report as presented. Motion carried unanimously.
- d. **Consider including new Street Lights as part of the WDOT's STH 33 (8th St/Ave) Reconstruction Project** – Pinion said STH 33 is slated to be reconstructed in 2024. He said they are 30% in the planning design, and now is the time for input as to whether the City would like to put in new streetlights as part of this project. He said there are several options, try to match the lights on South Blvd., the type Alliant puts in which are wood poles and their fixtures and the City would rent them, or we could put up City owned lights. He said that the only City owned lights currently are the downtown historic lights, the red light posts on the former Highway 12 from the Baraboo River Bridge, south to Menards, and South Blvd. He said the poles on South Blvd. and former Highway 12 are poles that are more decorative. He said if the City went with the standard DOT, aluminum poles with the trombone arms and LED fixtures, the State would split the cost 50/50. He said the preliminary cost estimate is \$600,000. Pinion said if the City would prefer decorative lighting, similar to the lights on South Blvd., the DOT would only contribute 50% of what standard street lights cost and the City would be responsible for the balance. He said that Alliant only offers two types of poles, wood or concrete. Pinion said the difference comes down to financing. He said if the City is interested in a bit more curb appeal, especially on that corridor, he feels that the aluminum poles are a lot better than the wood or concrete poles that Alliant offers. Kolb asked if the cable would be underground. Pinion said it

would be the City-owned cable connecting these streetlights. He said he could not guarantee that adding new streetlights would force those existing overhead utilities underground. Plautz moved, Kolb seconded to proceed with the DOT standard aluminum poles with LED lights included in the STH 33 reconstruction project. Motion carried unanimously.

- e. STH 33 Preliminary Resolution Declaring Intent to Levy Special Assessments for Sanitary Sewer Lateral Replacement in the right-of-way as part of the WDOT's STH 33 Reconstruction Project – Pinion said this is part of the STH 33 Reconstruction Project to avoid having to dig up the road in the near future after construction. He said the City is considering lining some sections of sewer and replacing others. He said that the laterals are the property owners responsibility and normally would not replace those, and if they were replaced the cost would be assessed to the owner. He said what is being considered since the contractor will be there and the road would be removed, it is the opportune time, both economically and physically to replace the laterals within the right-of-way to help preserve the integrity of the roadway. He said that the work needs to be confined to the right-of-way to avoid incurring another \$300,000 to \$400,000 in real estate costs. He said the City would give people two to three years notice that the expense is coming and provide an estimate of what it will cost and let them plan for that, but we would like to include that as part of the DOT project. He said that Peterson has some costs that he put together preliminary from a recent project elsewhere in Wisconsin that did the same thing. Peterson said that Stoddard just started a DOT project and their numbers for sanitary sewer lateral replacement was approximately \$1200 per property. He said that he checked with West Baraboo, they had a water main break by Culver's a month ago, and that repair was \$17,000. Therefore, if we do not do this and an owner's lateral would fail, they could easily be looking at a \$10,000 bill to do their repair. Kolb as the age of the laterals, Peterson said that 75% of them are 80 years plus. Kolb moved, Plautz seconded to move forward with the STH 33 Preliminary Resolution Declaring Intent to Levy Special Assessments for Sanitary Sewer Lateral Replacement in the right-of-way as part of the WDOT's STH 33 Reconstruction Project. Motion carried unanimously.
- f. Review and approval of monthly Billing Adjustment/Credits for Sewer and Water Customers for April and May 2020 – Peterson presented the Adjustments/Credits. Kolb moved, Plautz seconded to approve the monthly Billing Adjustment/Credits for Sewer and Water Customers for April and May 2020 as presented. Motion carried unanimously.

Reports

- a. Utility Superintendent's Report
- i. Staffing updates – Peterson said that the billing technician position has been filled and the new person starts next week. He said that Bill Clary joined us to fill the water position. He came over from the Village of West Baraboo.
 - ii. Project updates – Peterson said that the river project ran into some issues, but now is complete, except for some landscaping. He said the Oak Street Booster Station has started; however, some of the electrical equipment has been delayed due to COVID19. He said the department is continuing to do a few smaller lead services. He said Mound Street would soak up the remainder of the funds available. He said there is a rumor that will be some more funds available in 2021 and he will apply with the State this fall. He said that sewer jetting is going very well. He said the contractor for slip-lining sewers has already been here and completed their project. He said that about 2,500' of sewer mains were slip-lined in the Victory Heights subdivision. Peterson said bio solids spreading went great. He said the department is down on water production due to Covid-19. LSC Communications has filed for Chapter 11 and has not paid their first quarter bill (roughly \$90,000). He said there is also one larger apartment complex that has not paid their first quarter bill. He said that PSC has suspended all late fees and disconnections due to COVID19; therefore, year-to-date the Utility is down \$28,343,000 gallons or 12% in water production. He has seen LSC usage start to increase.
- b. Street Superintendent's Report
- i. Staffing updates – No new staffing to report.
 - ii. Equipment Updates - Gilman said that the Air Curtin Destructor was sold to a contractor up in St. Germain area for \$35,500.
 - iii. Monthly Report on Public Works Department activities – Gilman said that the activities report in the packet and he does not want to be redundant.
 - iv. Project updates – Gilman said the department has some intersection work coming up on Elizabeth and 10th will be replaced, some repairs on 8th Street will be done, 2nd Avenue and Morre, and Russell and Badger.
- c. Police Chief's Report
- i. Staffing Updates – Schauf said that there is one officer in field training, coming from the Sun Prairie area. He said there are two vacancies, one investigator, and one patrol position. He said that with school

being out the department was able to use the school resource officers in patrol positions. He said the Department is currently running a hiring process.

- ii. Case/Response Update – Schauf said that the department is seeing an increase in mental case investigations and committals. Schauf said that the department continues to do all their COVID responses, as far as sanitizing cars, social distancing, and officers are still taking their temperatures before the start of their shift, and staying healthy. He said three members of the Department participated with the Sauk County Emergency Response Team in Madison. He said those officers had specialized federal training in crowd control.
- d. Fire Chief's Report
 - i. Update on Implementation of Fire Department Operations Study Recommendations – Stieve said that during the COVID19 some policies and procedures were released. He said that an agenda item on the Council is one of those recommendations as far as working with EMS.
 - ii. Update on proposed Fire Department Remodeling project – He said he is working with some architects to get some plans in place.
 - iii. Staffing Updates – Stieve said there was one resignation at the end of May due to moving out of the area. He said the department has to do heavy duty recruiting through this special time we are in. He said that they resumed their training face-to-face last Monday night. He said they try to social distance; however, sometimes it does not work out that way.

AJOURNMENT – It was moved by Kolb, seconded by Plautz to adjourn at 1:45 p.m. Motion carried.

BID Business Development Meeting Minutes

Date: 6-3-2020

Location: City Hall, Room 205

Members in Attendance: N. Marklein Bacher, T. Sloan, K Downing, S. Sloan, S. Fay, M. Yount

Presentation: Lacey Steffes of Impact Marketing

The meeting was called to order at 12:30pm and noted compliance with the open meeting law

A motion to amend the minutes to eliminate Heather Kierzek from the attendance recipient's list and add Mike Yount and Scott Sloan was made and approved

A motion was made by S. Sloan, seconded by Fay and unanimously carried to adopt the agenda

Discussion:

Topic: Action regarding programming and other support measures for BID members and possible actions regarding other committee initiatives

Discussion: The discussion was led by Marklein Bacher in regards to how to support our BID members during the pandemic. Ideas presented were contacting Carla Minski from **Armadillo Marketing** for ideas on how to effectively market our area. Messaging has changed from the mindset "hooray we are open"! to "shop safe and secure" a softer and subtle approach.

Presentation:

A presentation by Lacey Steffes of **Impact Marketing** guided us on workshops we could present to our BID members. Suggested ones were social media marketing, seminars geared towards the service industry and a presentation by Ed White. Store staging was also discussed. Impact Marketing will submit a proposal to have Lacey coordinate the classes. Ed White would be contacted by a BID board member

Findings: Another meeting will be scheduled when the proposal from Impact Marketing is received

A motion to adjourn was made by S. Sloan and seconded by Fay at 1:07pm

BID Promotions/Personnel Committee Meeting

June 9, 2020

Members Present: T. Wickus, B. Stelling, S. Fay

Member Absent: S. Brunker

Call to Order: Chairman Wickus presided over the meeting, called it to order at 9:00 A.M., and noted compliance with the Open Meeting Law.

Minutes: Moved by, Stelling seconded by Fay, and unanimously carried to approve the minutes of the February 21, 2020 meeting.

Agenda: Moved by Stelling seconded by Fay, and unanimously carried to approve the agenda as published.

Old Business: None

New Business: Moved by, Fay seconded by Stelling and unanimously carried to approve a social media campaign proposal form Impact Marketing consisting of 2-3 photos and content creation including bi-weekly Facebook Live videos for the Farmer's Market for 20 weeks at \$100.00 a week, total investment \$2,000.00

Adjournment: Moved by Stelling, seconded by Fay and unanimously carried to adjourn at 9:39 A.M.

Baraboo BID Meeting Minutes**6/17/20**

Present:

Members: Sloan, S., Marklein, Fay, Brunker, McDaniel, Wickus, Stelling

Others: Kennie Downing, Andrew Adams

Absent: Sloan, T., Yount

President Fay called the meeting to order at 5:41 p.m.

Approval of May 2020 minutes: Wickus/McDaniel

Adoption of Agenda: Wickus/McDaniel

President: None

Secretary: None

Treasurer: None

Appearances: Working on hanging baskets; Supply of dog waste bags have been refilled

Business Development: Hosting a series of development programs; the first was held on 6/11/20

Finance: None

Parking: Weeds have been sprayed

Promotions: Reviewed proposal for promoting Farmer's Market and opted not to accept proposal, but contracted for social media posts

Old Business

None

New Business

1. Approval of vouchers:

- | | | |
|----|---|----------|
| a. | Lorraine Ortner-Blake
Banner design (Promotions) | \$218.90 |
| b. | Stampers Greenhouse
Baskets (Appearances) | \$2,160 |
| c. | Amy Schertz
Summer Planters (Appearances) | \$686.23 |
| d. | Fred Moh

Farmer's Market (Promotions) | \$507.75 |
| e. | DBI
Face masks for Farmer's Market (Promotions) | \$105.94 |
| f. | Williams Lawn Care, LLC
Weeds (Parking) | \$675 |
| g. | Dog Waste Depot
Bags (Appearances) | \$50.80 |

\$4,404.62

Approved: Wickus/McDaniel

2. Reviewed BID financials and coding report
3. Discussed reimbursement for city administration fees. BID will provide suggestions for language and City Administrator Downie will bring a draft agreement.
4. Approved transfer of \$900 from reserves to Business Development. S. Sloan/McDaniel
5. Discussed BID Facebook page
6. Reviewed BID subcommittee information.
7. Tabled election of Secretary until next month.

Motion to adjourn 6:41 p.m. by Wickus/McDaniel.

Administrative Committee

June 18, 2020

Present: Alderpersons John Ellington, Heather Kierzek & Kathleen Thurow

Absent: None

Also Present: Mayor Palm, Finance Director, Cynthia Haggard; Police Chief, Mark Schauf (by phone); Police Lieutenant La Broschian; and City Clerk, Brenda Zeman.

Citizen Present: None

The meeting was called to order by Chairman John Ellington at 8:00AM CST., with roll call and noting compliance with the Open Meetings Law.

Upon the approval from the Committee, the minutes of June 1, 2020 were postponed to the July 6, 2020 meeting.

Motion by Kierzek to approve agenda, seconded by Thurow and unanimously carried.

Consider the 2020/2021 Liquor License Applications and recommendation to the Council

Class "A" Fermented Malt Beverage for establishments doing business as: Casey's General Store and Las Milpas

Motion to approve and move to council the Class "A" Fermented Malt Beverage by Kierzek, seconded by Thurow and unanimously carried.

Class "B" Fermented Malt Beverage for establishments doing business as: Driftless Glen Distillery, Jose's Mexican Bakery and Sauk County Agricultural Society.

Motion to approve and move to council the Class "B" Fermented Malt Beverage by Thurow, seconded by Kierzek and unanimously carried.

Class "A" Off Premise Liquor Consumption/on Premise Wine Samples for establishment doing business as: Bekah Kate's.

Motion to approve and move to council the Class "A" Off Premise Liquor Consumption/on Premise Wine Samples by Kierzek, seconded by Thurow and unanimously carried.

"Class A" Combo Liquor and Fermented Malt Beverage for establishments doing business as: Barabrew Liquor, Pierce's Express Market, Get N Go, Kwik Trip #657, Kwik Trip #855, Turner BP, United Cooperative and Wal-Mart.

Motion to approve and move to council the "Class A" Combo Liquor and Fermented Malt Beverage by Thurow, seconded by Kierzek and unanimously carried.

"Class B" Fermented Malt Beverage and "Class C" Wine for establishments doing business as: Al Ringling theatre, Four Star Family Restaurant, Broadway Diner, Ringling House and the Log Cabin Restaurant and Bakery.

Motion to approve and move to council the "Class B" Fermented Malt Beverage and "Class C" Wine by Kierzek, seconded by Thurow and unanimously carried.

“Class B” Combination Liquor and Fermented Malt Beverage for establishments doing business as: Baraboo Arts, Baraboo Elks Club, Baraboo Burger Company, Downtowner Bar & Grill, Bumps Bar, Four Seasons Restaurant, Brothers on Oak, Jose’s Authentic Mexican Restaurant, Old Baraboo Inn, Peking Buffet, Poor Richards Bar, Quindt’s Towne Lounge Restaurant & Eating House, Gem City Saloon, Square Tavern, Thunderbird Lanes, Little Village Café and Zach’s Bar.

Motion to approve and move to council the “Class B” Combination Liquor and Fermented Malt Beverage by Thurow, seconded by Kierzek and unanimously carried.

“Class B” Reserve Combination Liquor and Fermented Malt Beverage for establishments doing business as: Al Ringling Brewing Co., and Con Amici.

Motion to approve and move to council the “Class B” Reserve Combination Liquor and Fermented Malt Beverage by Kierzek, seconded by Thurow and unanimously carried.

“Class B” Wine Only for establishment doing business as: Von Klaus Tasting Haus.

Motion to approve and move to council the “Class B” Wine Only by Thurow, seconded by Kierzek and unanimously carried.

“Class B” Wine Only and Class “B” Fermented Malt Beverage for establishment doing business as: Balanced Rock Winery.

Motion to approve and move to council the “Class B” Wine Only and Class “B” Fermented Malt Beverage by Kierzek, seconded by Thurow and unanimously carried.

Class “C” Wine for establishment doing business as: Bekah Kate’s.

Motion to approve and move to council the Class “C” Wine by Kierzek, seconded by Thurow and unanimously carried.

Member comments

The next meeting will be Monday, July 6, 2020 at 8:00AM CST. Meeting location will be 101 South Boulevard.

Motion to adjourn by Thurow, seconded by Kierzek and unanimously carried. Meeting adjourned at 8:14AM CST.

- **Copies of these meeting minutes are on file in the Clerk’s office:**

Baraboo District Ambulance.....05-19-2020

UW Campus.....06-21-2020

Library.....04-27-2020

- **Petitions & Correspondence Being Referred:** None.

CLOSED SESSION

Moved by Wedekind, seconded by Ellington, to go into Closed Session. The Mayor will announce that the Council will go into Closed Session according to §19.85(1)(c), Wis. Stat., to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (Council to consider 6-month performance evaluation of City Administrator Kennie Downing) – 9 ayes.

Council Members Present: Wedekind, Kolb, Plautz, Kent, Petty, Ellington, Sloan, Kierzek, Thurow

Council Members Absent:

Others Present: Mayor Palm, City Atty. Truman

OPEN SESSION

Moved by Kent, seconded by Thurow and carried on a unanimous roll call vote to return to Open Session as per WI Stats 19.85(2) to address any business that may be the result of deliberations made in Closed Session – 9 ayes.

ADJOURNMENT

Moved by Sloan, seconded by Wedekind, and carried unanimously that the meeting adjourn.

Brenda Zeman, City Clerk